

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/982,558	BASOL ET AL.	
	Examiner	Art Unit	
	Wesley A. Nicolas	1742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendments filed 2/23/04 and 1/13/04.

2.  The allowed claim(s) is/are 1-10, 14-16, 20-31, 35-41, 68-75, 79-81 and 93.

3.  The drawings filed on 13 May 2002 are accepted by the Examiner.

4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- 1.  Notice of References Cited (PTO-892)
- 2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
- 4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
- 5.  Notice of Informal Patent Application (PTO-152)
- 6.  Interview Summary (PTO-413),  
Paper No./Mail Date 030504.
- 7.  Examiner's Amendment/Comment
- 8.  Examiner's Statement of Reasons for Allowance
- 9.  Other \_\_\_\_\_.

## **DETAILED ACTION**

This is in response to the response to amendment submitted February 23, 2004 and January 13, 2004. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-10, 14-16, 20-31, 35-93 are currently pending in this application, with claims 42-67, 76-78, and 82-92 being withdrawn from further consideration as being drawn to a non-elected invention.

### **Election/Restriction**

1. Claims 42-67, 76-78, and 82-92 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **with** traverse in Paper No. 8. As set forth below, claims 42-67, 76-78, and 82-92 have been cancelled by Examiner's amendment. Applicant may re-file said claims in a divisional application.

### **Claim Rejections - 35 USC § 103**

2. The 35 U.S.C. § 103 rejection of claims 1-41 have been **withdrawn** in view of the amendment and convincing arguments submitted by Applicant on February 23, 2004.

### **Examiner's Amendment**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Jakopin on March 4, 2004.

4. The application has been amended as follows:

**In the claims:**

Non-elected claims 42-67, 76-78, and 82-92 have been cancelled without prejudice or disclaimer. Applicant may re-file said claims in a divisional application.

**Allowable Subject Matter**

5. Claims 1-10, 14-16, 20-31, 35-41, 68-75, 79-81, and 93 are allowed over the prior art of record.

6. The following is an examiner's statement of reasons for allowance:

Regarding claims 1-10, 14-16, 20-31, 35-41, and 93, the specific method which includes a step of conditioning the workpiece surface influencing device before performing another electrochemical mechanical process, the step of conditioning including applying a potential difference between an electrode and a conditioning member, the application of the potential difference during the step of conditioning resulting in one of the number of accumulated conductive particles being reduced in size was not taught or suggested by the prior art of record. Applicants reasons for

allowance of said claims on pages 10-11 of the response submitted January 13, 2004 is further deemed sufficient and is incorporated herein.

Regarding claims 68-75 and 79-81, the specific method of processing a workpiece surface influencing device which includes depositing, via a plating solution, a first conductive material onto a workpiece and moving a conditioning member having at least one mechanical contact member against the top surface of the workpiece surface influencing device was not taught or suggested by the prior art of record. The terms "deposited" and "plating" are limited to those enabled by the specification, namely electrochemical deposition/plating.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley Nicolas whose telephone number is (571) 272-1247. The examiner can normally be reached on Mon.-Thurs. from 7 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached at (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wesley A. Nicolas  
Primary Examiner

March 5, 2004